

Counsel Listed on Next Page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FISHER INVESTMENTS, INC., a California
corporation,

Plaintiff,

v.

MORGAN STANLEY DW, INC., a
Delaware corporation, and DOES 1-10,
inclusive,

Defendants.

Case No. C 07 2547 SC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING DUE DATE
OF DEFENDANT MORGAN
STANLEY & CO., INC.'S (F/K/A
MORGAN STANLEY DW, INC.)
RESPONSE TO PLAINTIFF'S
COMPLAINT**

LOCAL RULE 6-1(a)

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Attorneys for Defendant
Morgan Stanley & Co., Inc.
(f/k/a Morgan Stanley DW, Inc.)

1 Plaintiff Fisher Investments, Inc. ("Plaintiff" or "Fisher"), on the one hand, and Defendant
2 Morgan Stanley & Co., Inc. (f/k/a Morgan Stanley DW, Inc.) ("Defendant" or "Morgan
3 Stanley"), on the other hand, through their respective counsel, HEREBY STIPULATE and
4 AGREE pursuant to Local Rule 6-1(a) as follows:

5 1. The parties have been engaged in good faith settlement negotiations. The parties
6 may soon schedule a mediation with a private mediator to facilitate settlement negotiations. The
7 parties agree that it would be injurious to the settlement process for the parties and counsel to
8 have to devote substantial time and resources to address litigation demands, including motion
9 work related to the Complaint, initial disclosures and other discovery demands. Accordingly, the
10 parties agree to extend the time for defendant to file a responsive pleading to the complaint by
11 another 12 weeks.

12 2. Plaintiff Fisher filed its Complaint in the Superior Court for the County of San
13 Mateo on April 12, 2007, and served it on April 13, 2007. Defendant Morgan Stanley removed
14 the complaint to federal court on May 14, 2007.

15 3. On May 16, 2007, the parties stipulated to extend the time for Morgan Stanley's
16 response to the Complaint from May 21, 2007 to June 5, 2007.

17 4. On June 1, 2007, the parties stipulated to extend the time for Morgan Stanley's
18 response to the Complaint from June 5, 2007 to June 20, 2007.

19 5. On June 18, 2007, the parties stipulated to extend the time for Morgan Stanley's
20 response to the Complaint from June 20, 2007 to July 5, 2007.

21 6. On June 28, 2007, the parties stipulated to extend the time for Morgan Stanley's
22 response to the Complaint from July 5, 2007 to August 6, 2007.

23 7. On July 31, 2007, the parties stipulated to extend the time for Morgan Stanley's
24 response to the Complaint from August 6, 2007 to September 20, 2007.

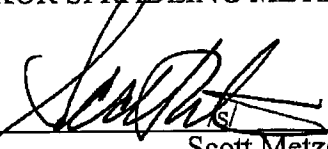
25 8. The parties stipulate and agree that Defendant's time to respond to Plaintiff's
26 Complaint shall be continued another fourteen (12) weeks, until December 13, 2007.

27 SO STIPULATED.
28

1 Dated: September 20, 2007

JOSEPH W. COTCHETT
NANCY L. FINEMAN
COTCHETT, PITRE & McCARTHY

SCOTT METZGER
ANNA F. ROPPO
DUCKOR SPRADLING METZGER & WYNNE

6 By:  /s/
Scott Metzger
Attorneys for Plaintiff
Fisher Investments, Inc.

9 Dated: September 20, 2007

TRISH M. HIGGINS
MICHAEL D. WEIL
ORRICK, HERRINGTON & SUTCLIFFE LLP

12 By: _____ /s/
Michael D. Weil
Attorneys for Defendant
Morgan Stanley & Co., Inc.
(f/k/a Morgan Stanley DW, Inc.)

16 I hereby attest that the concurrence in the filing of this document has been obtained from
17 Scott Metzger, Attorney for Plaintiff, Fisher Investments, Inc.

19 By: _____ /s/
Michael D. Weil
Attorneys for Defendant
Morgan Stanley & Co., Inc.
(f/k/a Morgan Stanley DW, Inc.)

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 Dated: _____, 2007.

27 _____
The Honorable Samuel Conti
United States District Court Judge